

ERROL I. HORWITZ, ESQ. SBN 86098
 EDWARD M. BIALACK, ESQ. SBN 60580
 Law Offices of Errol I. Horwitz
 5550 Topanga Canyon Blvd., Suite 200
 Woodland Hills, CA 91367
 (818) 347-5268

Attorneys for Plaintiffs Lumascape USA, Inc.,
 Lumascape Industries (PTY) Ltd., and
 Michael Agustin

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUMASCAPE USA, INC., a California
 corporation, LUMASCAPE INDUSTRIES
 (PTY) LTD., an Australian Corporation, and
 MICHAEL AGUSTIN, an individual,

Plaintiffs,

v.

VERTEX LIGHTING, INC., a Quebec
 corporation; FABRICE PELLEGRINO, an
 individual; DANIEL MERCILLE, an
 individual; and MICHEL SANSCARTIER, an
 individual,

Defendants.

CASE NO. C 05 4809

**ORDER GRANTING CONTINUANCE OF
~~STIPULATION TO CONTINUE~~
 CASE MANAGEMENT
 CONFERENCE AND ORDER**

1 On March 29, 2006, this Court issued its "Order Staying Action Pending Exhaustion of
2 Remedies Under a Forum Selection Clause." The order stayed this case "pending exhaustion by
3 plaintiff of its remedies under the forum-selection clause" in the contract between plaintiff,
4 Lumascope USA, Inc., and defendant, Vertex Lighting, Inc. (Order, p. 8.) The Court found that,
5 "[s]hould the Australia Courts fail to provide an adequate forum despite diligence by plaintiffs,
6 then this Court will consider whether to proceed with plaintiffs' claims." (Order, p. 16.) The
7 Court scheduled a further case management conference for September 28, 2006, at 11:00 A.M.

8 Plaintiffs' counsel represents as follows:

9 Following the issuance of this Court's March 29, 2006, order, plaintiff, Lumascope
10 Industries (PTY) Ltd., filed an application, or motion, in the Supreme Court of Queensland,
11 Australia to determine (1) Whether there is jurisdiction in Queensland over the copyright and
12 trademark issues, and (2) Whether the parties' choice of jurisdiction/conflict of laws rules should
13 result in the Court declining to exercise jurisdiction over these issues. The matter was argued and
14 submitted before the Honorable Justice Helman of the Supreme Court of Queensland on August
15 31, 2006.

16 At the August 31 hearing, Justice Helman reserved his decision, and indicated that he
17 would issue a written judgment on or before September 28. At the hearing, Justice Helman
18 inquired whether, in the event his written decision was not issued by September 28, the case
19 management conference in this Court scheduled for September 28 might be continued briefly.

20 * * *

21 WHEREAS, plaintiffs' counsel believes that a brief continuance of the September 28,
22 2006, case management conference to permit the parties to receive the judgment of the Supreme
23 Court of Queensland in the matter submitted to the court on August 31 would aid this Court in
24 conducting the case management conference; and

25 WHEREAS, defendant's counsel, accepting as true and accurate the representations herein
26 of plaintiffs' counsel, agrees that a brief continuance of the September 28, 2006, case management
27 conference would be of aid to this Court;

1 NOW, THEREFORE, the parties hereby stipulate that the case management conference
2 scheduled for September 28, 2006 be continued to October 19, 2006, or such other subsequent
3 date as this Court deems appropriate.

4
5 DATED: September 1, 2006

LAW OFFICES OF ERROL I. HORWITZ

6
7 By: Edward M. Bialack

8 Edward M Bialack

9 Attorneys for Plaintiffs Lumascope USA, Inc.,
Lumascope Industries (PTY) Ltd., and Michael
Agustin

10
11 DATED: September 8, 2006

KASTNER | BANCHERO LLP

12
13
14 By: E. Jeffrey Banchero

15 E. Jeffrey Banchero

16 Attorneys for Defendant Vertex Lighting, Inc.

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19
20 **ORDER**

21
22 The case management conference scheduled for September 28, 2006, at 11:00 A.M. shall
23 be continued to October 5, 2006, at 11:00 a.m.

24
25 DATED: September 11, 2006.

26
27 United States

